

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 2

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO UNIFORM CONTROLLED SUBSTANCES; AMENDING SECTION 37-2723, IDAHO CODE, TO REVISE AND REMOVE PROVISIONS RELATING TO A PRESCRIPTION FOR A CONTROLLED SUBSTANCE; AMENDING SECTION 37-2725, IDAHO CODE, TO REVISE AND REMOVE PROVISIONS RELATING TO REQUIRED PRESCRIPTIONS FOR SCHEDULED DRUGS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 37-2723, Idaho Code, be, and the same is hereby amended to read as follows:

37-2723. FORM AND CONTENTS OF PRESCRIPTION. No person shall write a prescription and no person shall fill, compound or dispense a prescription for a controlled substance ~~in schedule II unless it is dated as of, and signed on, the day when issued and bears the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use and the name, address and registration number of the practitioner. A practitioner should sign a prescription in the same manner as he would sign a check or legal document. Prescriptions shall be written with ink or indelible pencil and shall be manually signed by the practitioner. The prescriptions may be prepared by the secretary or agent for the signature of a practitioner, but the prescribing practitioner is responsible in case the prescription does not conform in all essential respects to federal and state law, rules and regulations. A corresponding liability rests upon the pharmacist who fills a prescription not prepared in the form prescribed by~~ unless it is in compliance with applicable federal law.

SECTION 2. That Section 37-2725, Idaho Code, be, and the same is hereby amended to read as follows:

37-2725. PRESCRIPTION REQUIRED -- PRESCRIPTION BLANKS -- POSSESSION -- TRANSFERENCE -- CONTENTS. (1) A prescription shall be required for all scheduled drugs. ~~Except as provided in subsection (7) of this section, written Paper prescriptions shall comply with federal law and shall utilize non-copyable paper that contains security provisions against copying that results in some indication on the copy that it is a copy and therefore rendering it null and void. Board rules, policies or requirements promulgated or issued to implement the provisions of house bill no. 331 of the first regular session of the fifty-sixth Idaho legislature that amended this section 37-2725, Idaho Code, shall be null and void and without effect after June 30, 2002. The board shall adopt rules using negotiated rulemaking procedures to implement the provisions of this section that are consistent with, but no more stringent than the requirements of this section and the federal requirements for prescription blanks.~~

1 (2) Prescription blanks shall not be transferable. Any person possess-  
 2 ing any such blank otherwise than is herein provided is guilty of a misde-  
 3 meanor.

4 (3) The prescription blank shall contain the name and address of the  
 5 practitioner. Prescription blanks may contain the printed names of multi-  
 6 ple practitioners who are affiliated; provided however, such prescription  
 7 blanks shall contain a means, in addition to the signature of the practi-  
 8 tioner, such as a box or a check, for clear identification of the printed  
 9 name and address of the practitioner issuing the prescription.

10 (4) Prescriptions written by a practitioner in a hospital, nursing  
 11 home, ambulatory surgery center or other health care facility in which a  
 12 practitioner may attend a patient, other than his or her regular place of  
 13 business, may be written on prescription blanks kept or provided by that  
 14 facility that contains the name and address of that facility, but not nec-  
 15 essarily of the practitioner, provided the practitioner's name must be  
 16 stamped, written or printed on the completed prescription in a manner that is  
 17 legible to a pharmacist.

18 (5) Failure of a practitioner to clearly mark the practitioner's  
 19 printed name and address on the prescription as required in subsection (3)  
 20 of this section, or to stamp, write or print the practitioner's name legibly  
 21 as required in subsection (4) of this section shall subject the practitioner  
 22 to appropriate discipline by the board. The disciplinary measures shall be  
 23 established by the board in a rule developed through negotiated rulemaking.

24 (6) Except as provided in section 37-2722, Idaho Code, if a paper pre-  
 25 scription is for a schedule II substance, the practitioner shall indicate  
 26 the desired quantity of the scheduled drug on the prescription blank by both  
 27 writing out the quantity and by indicating or writing the quantity in numeri-  
 28 cal form.

29 ~~(7) Prescription blanks issued or approved by the board prior to the ef-~~  
 30 ~~fective date of this act shall remain valid and may be used by practitioners~~  
 31 ~~after the effective date of this act.~~

32 ~~(8)~~ Prescription blanks or drugs lost or stolen must be immediately re-  
 33 ported to the board.

34 SECTION 3. An emergency existing therefor, which emergency is hereby  
 35 declared to exist, this act shall be in full force and effect on and after its  
 36 passage and approval.